



2015 TMDL Implementation Project Request for Applications (RFA)

Frequently Asked Questions (FAQ) – October 30, 2014

DEQ has released a [Request for Applications for TMDL Implementation Projects](#). Applications are due November 17, 2014. This FAQ document is being provided to assist potential applicants in developing their [project applications](#). This document was based upon actual questions received since the issuance of the RFA; including the results of a Question and Answering webinar held by DEQ on October 28, 2014. For more information npsgrants@deq.virginia.gov

Q1: In trying to determine with whom to share this announcement... do you know if MS4 localities can apply for funding for projects that are not specifically identified/required in their permit? Another MS4 scenario would be to apply for funding for a project that would be implemented sooner if the funding were awarded. For example: a BMP would be installed in 2015 instead of 2019 because of 319 funds.

A1: This funding is to select new project areas to start a new TMDL Implementation Project based upon IPs listed in TABLE 1 of the RFA. The intent is not for applications to fund individual BMPs independent of a holistic TMDL Implementation Project.

In addition under Section E of the ineligible activities it lists that activities in MS4 that are being credited to a permit (or used to develop a permit) or that will be credited in a TMDL Action Plan towards pollutant reductions in a permit) will not be eligible for funding. Permittees will address waste load allocation (WLA) reductions in their action plans. Two to five year TMDL Implementation Plan (IP) milestone goals don't normally specify when a BMP needs to be done.

In reference to the topic of scheduling or timing of BMP installation; this all has to do with the milestones and BMPs listed in the TMDL IPs which are included in Table 1. If one of these TMDL IP areas includes activities in an MS4 area then potentially that MS4 could apply for the Load Allocation (not waste load allocation) activities (non permit or Action plan oriented) activities as long as they do not violate the Section E Ineligible Activity Section.

Q2: According to Table 1 of the RFA, my county is not eligible for funding, why is this?

A2: Table 1 within the RFA includes several exceptions as to eligible geographic areas. For example: for Upper York River Project applications the Orange County area in the IP is not eligible since DEQ is currently funding a TMDL Implementation Project for the Upper York River, Orange County watersheds (awarded through an RFA in 2012). The qualifications in the 2015 RFA stipulated that to be eligible a TMDL IP area must have an EPA approved implementation plan AND no Section 319(h) funds can have been previously provided for a TMDL Implementation Project.

Also of note, if the 319 program is funding implementation for a specific source sector in a TMDL watershed, that source sector would be precluded from receiving funds in the same watershed. For example if pet waste or residential septic is already funded through 319 then those source sectors would not be eligible for funding under this RFA; although other source sectors indicated in the TMDL



Implementation Plan may be eligible for funding. These source category restrictions would also be indicated in Table 1 of the RFA. James River IP pet waste is an example.

Q3: How do we characterize the needs of the IP if work has been done for several years and many BMPs have been accomplished and successful? Non 319 funding was used and now we want 319. How do we reflect all we have accomplished and the momentum we currently have, as advantageous to continued funding?

A3: If an application is being submitted for a TMDL Implementation Plan that has had significant work already completed, or for which there is currently funded work; reflecting that in the application is important. In Section 3 of the application, question 'b' allows an organization to describe if the organization has received other funding related to the project. In questions 'e' and 'h' the application provides space to discuss the implementation milestones and the products and outcomes. Here it would be an opportunity to characterize the implementation goals (BMP goals) from the IP that have already been achieved due to previously funded activity and highlight what else needs to be done in order to achieve water quality results (essentially what the application will fund). Using the % completed to date and the % to be completed through a successful application will help reviewers understanding the collective impact funding the continued project may have.

Q4: Why were non-profits excluded from the list of eligible applicants? [Or] My organization does not appear on the list of eligible applicants in the RFA; how do I determine if my organization meets the definition of eligible?

A4: Funding is open to all public bodies as defined by the [Virginia Public Procurement Act](#) (VPPA). According to the VPPA the definition of "Public body" means any 'legislative, executive or judicial body, agency, office, department, authority, post, commission, committee, institution, board or political subdivision created by law to exercise some sovereign power or to perform some governmental duty, and empowered by law to undertake the activities described in this chapter. "Public body" shall include any metropolitan planning organization or planning district commission which operates exclusively within the Commonwealth of Virginia.'

The list of eligible entities was updated from 2014 to include river basin commissions. The intent of the RFA was to encompass all types of organizations that have received funding in the past, in addition to similar organizations who have not received funding to date. The best way to indicate that an organization is eligible for funding under the RFA is to fill out a W-9; and choose "government" which is defined on the W-9 as: The Government of any State, any Political Subdivision of any State, any Agency or Instrumentality of a State or of a Political Subdivision of a State. Any other selection would not be eligible under this RFA. A copy of the W-9 form will be added to DEQ's website.

DEQ encourages all applicants to fill out the [W-9](#) form and submit it with their application. In 2015, non-profit organizations are not listed as eligible for this RFA, as it has been determined that non-profits do not meet the definition of Public Body. Non-profits cannot directly apply to this RFA. However, they can still be a partner on an application and receive sub-awards from eligible grantees assuming the applicant follows their own procurement procedures.

Excerpt from W9 form utilized by DEQ.



Section 1 - Taxpayer Identification	Entity Type		Entity Classification	
	<input type="checkbox"/> Individual	<input type="checkbox"/> Corporation	<input type="checkbox"/> Professional Services	<input type="checkbox"/> Medical Services
	<input type="checkbox"/> Sole Proprietorship	<input type="checkbox"/> S-Corporation	<input type="checkbox"/> Political Subdivision	<input type="checkbox"/> Legal Services
	<input type="checkbox"/> Partnership	<input type="checkbox"/> C-Corporation	<input type="checkbox"/> Real Estate Agent	<input type="checkbox"/> Joint Venture
	<input type="checkbox"/> Trust	<input type="checkbox"/> Disregarded Entity	<input type="checkbox"/> VA Local Government	<input type="checkbox"/> Tax Exempt Organization
	<input type="checkbox"/> Estate	<input type="checkbox"/> Limited Liability Company	<input type="checkbox"/> Federal Government	<input type="checkbox"/> OTH Government
	<input type="checkbox"/> Government	<input type="checkbox"/> Partnership	<input type="checkbox"/> VA State Agency	<input type="checkbox"/> Other
	<input type="checkbox"/> Non-Profit	<input type="checkbox"/> Corporation		

Q5: Can a water quality monitoring component be quantifying the edge of stream and/or delivered loads to the Chesapeake Bay or does it have to be actual water quality samples from the stream?

A5: Water quality monitoring needs to measure water quality of the stream as a result of all BMP implementation. Water quality to look at before/after effects or BMP efficiency is not allowed. Water quality monitoring should augment DEQ monitoring that can show water quality improvements due to implementation activities and that could be used as documentation in a Success Story. Water quality monitoring for research or for parameters other than those outlined in the TMDL IP are not allowed. Activity such as quantifying edge of stream or delivered loads would not be considered monitoring and would not be eligible for funding. Monitoring should reference how it will implement part or portion of the monitoring strategy listed in the TMDL IP. DEQ calculates all pollution reductions and loadings for the BMPS reported during project implementation, so the quantifying of loads as a fundable activity in the application is not allowed.

Q6a: Why is a certain Implementation Plan IP not included on Table 1 of the RFA as eligible for funding?

A6a: Plans were deemed eligible for funding, and included in Table 1 of the RFA if they met the following two criteria.

1. A TMDL Implementation Plan was completed and was either approved by EPA Region 3 NPS Program or submitted by 10/6/2014 for review and approval, and
2. No previous Section 319(h) funding had been provided to fund this TMDL Implementation in the past.

Q6b: Why was a certain Implementation Plan IP not submitted to EPA for review and therefore not eligible for funding through this RFA?

A6b: There may be several reasons why a plan was not submitted to EPA Nonpoint Section for review and approval.

1. The 319(h) funded TMDL Implementation Program was administered by DCR thru June 26, 2013. Plans created through partnerships at DEQ prior to June 25, 2013 were not submitted to EPA's non-point source program. Subsequent to the merger DEQ is working to try and submit all plans to EPA for approval; however there is a backlog on these plans. Prioritization of plans that would be submitted has been based upon:

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- a. There are completed plans that are very old and may require status updates, especially related to BMP implementation rates, before EPA would approve for 319 funding.
 - b. Discussion with regional offices and local entities indicated there was minimal if any local interest in implementing the plan which would impact the success of meeting water quality and implementation goals described in the plan.
 2. Some plans were written that did not sufficiently address Section 319(h) 9 key elements required in plans for EPA approval.
 3. Some plans were written that did not sufficiently follow the guidance of the TMDL Implementation Plan Development Manual and therefore may have deficiencies that are known would not meet EPA requirements.
 4. Some completed plans encompass an extremely large geographic area that may be too large for implementation and may require addressing a targeting strategy in order to meet Section 319(h) guidelines for implementation.

If an organization is interested in starting an implementation project for any implementation plan currently not included in Table 1 of the RFA; they should contact their DEQ regional office representative listed in the RFA for next steps. DEQ will work with all interested entities to see that plans are submitted to EPA based on plan revisions being made prior to EPA review in order for plans to be eligible for **future** 319 TMDL Implementation RFAs.

Q6c: Why was a certain Implementation Plan IP not included on Table 1 since it has an EPA approved IP? How does an organization tell if an IP has previously or currently received section 319 funds for TMDL Implementation? Why does previous or current funding exclude an IP from funding under this RFA?

A6c: There may be several reasons why a plan was excluded as eligible due to current or previous section 319h funding.

1. 319(h) NPS program in Virginia started funding TMDL implementation projects in 2001 and generally funded these projects for 5 years unless implementation progress indicated that the project should end early (low level of implementation) or should be extended (high level of implementation).
 - a. The 319(h) program 'closes' a TMDL Implementation project due to several factors and does not reopen a project once it is closed.
 - i. Project was deemed unsuccessful and did not meet its implementation targets
 - ii. Project was deemed successful, met project implementation targets, showed water quality improvements or resulting delistings and in some cases a success stories was written.
 - iii. Project was deemed successful, met most of its implementation targets however the project showed minimal water quality improvements and it was determined that significant additional funding would be needed in order to achieve results and local participation in implementation activities and program began to decline.
2. The 319(h) program is currently funding a TMDL Implementation project in 20 TMDL IP areas around the state. TMDL IP projects are intended to be partnerships, so competing projects are determined to be counter to the nature of the program. Additional projects will not be allowed or funded in areas where funding is currently provided.



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- a. Organizations interested in implementation in IP areas that currently have implementation projects should contact the organization who is the lead for the project and to whom DEQ is providing Section 319 funding.
 - b. Organizations can contact their DEQ regional office contact indicated in the RFA with assistance in determining IPs with current funding.

Q7: Can you please let me know if the required 25% match can be entirely “in-kind” services? We are thinking of partnering with our local SWCD and they would offer their technical services as the in kind match for livestock exclusion.

A7: Yes match can be 100% in-kind. Generally if someone is volunteering their professional services (in what they do as a job) they can claim their hourly salary rate. If, however they are volunteering in another capacity then they would use the going rate for volunteer services. There is a site reference in the grant manual that provides up-to-date Virginia annual volunteer rate. Example a Lawyer, providing legal assistance as match could provide match at his billable rate (e.g. \$200/hr). However, a lawyer volunteering to collect water quality samples or plant trees would bill at the volunteer rate (e.g. around \$18/hour). The Grant Management Manual provides guidance on match, in-kind or volunteer rates.

http://www.deq.virginia.gov/Portals/0/DEQ/Water/ConstructionAssistanceProgram/2011_DCR-DSWC%20Grant%20Management%20Manual.pdf

Q8: If we ask for funding for water quality monitoring, what type of QA/QC plan do we need or have to submit?

A8: Under section D “Eligible Activities” of the RFA there is a sub-section on monitoring. This section describes the requirement that all successful projects that include funds for water quality monitoring must submit for approval a Quality Assurance Project Plan to DEQ. RFA excerpt “All projects that include monitoring or data collection/generation must have a DEQ approved Quality Assurance Project Plan (QAPP) following protocols established by the Virginia Department of Environmental Quality (DEQ); and must submit data to EPA’s STORET database and to DEQ at the completion of the project. Time to develop a QAPP should be included in the monitoring budget and counts towards the budget cap. DEQ encourages monitoring data to be submitted through the Citizen Monitoring Program.” Copies of a QAPP template and procedures can be found on the NPS Grant Resources document:

http://deq.virginia.gov/Portals/0/DEQ/Water/NonpointSource/NPS_Grants_Resources.pdf

Q9: What BMPs are eligible for funding and are there any BMP specifications or operation and maintenance requirements?

A9: Section D of the RFA describes the Eligible Activities for the RFA, including BMPs listed in a TMDL Implementation Plan will be eligible for funding and inclusion in an application under the 2015 TMDL RFA. Applicants should refer to the DEQ TMDL Implementation Cost-share Agricultural and Residential BMP Guidelines for reference on specifications. Unless otherwise approved by DEQ, proposed BMPs should meet the specifications provided by the [DEQ’s TMDL BMP Guidelines](#), the [Virginia Stormwater Management Handbook](#), the DEQ and Virginia Tech [Stormwater BMP Clearinghouse](#) and DCR’s [Virginia Agricultural BMP Cost-Share Guidelines](#). All practices will be required to follow operation and maintenance plan requirements. More information on these requirements and examples of Operation and Maintenance Plans and landowner agreements can be found in the NPS Resources document

http://deq.virginia.gov/Portals/0/DEQ/Water/NonpointSource/NPS_Grants_Resources.pdf

<http://www.deq.virginia.gov/Programs/Water/CleanWaterFinancingAssistance/NonpointSourceFunding.aspx>

http://www.deq.virginia.gov/Portals/0/DEQ/Water/NonpointSource/2015_TMDL_RFA_FAQ.pdf



Q10: Is this grant available on an annual basis? If so, could this be something we could work towards for next year's annual goals?

A10: In order to have an annual Request for Applications; Federal EPA Section 319 funds must be available. Generally the program has a competitive solicitation for project funding every one to two years. Projects not submitted for or eligible for funding for 2015 may be able to compete for funding in 2016 (for project to start July 2016) if Federal funds are made available to DEQ. Open Funding Opportunities. Requests for Applications (RFA) and Notices of Intent to Award (NOIA) can be found here: <http://www.deq.virginia.gov/Programs/Water/CleanWaterFinancingAssistance/NonpointSourceFunding.aspx>

Q11: What happens if one of the key partners identified in the TMDL Implementation Plan is no longer able and/or interested in participating in a TMDL Implementation Project? [or] What happens if the assumed lead of the implementation project can no longer serve as the lead for the project? How can a project move forward and how can an application still be submitted?

A11: As indicated in section C "Partnerships" of the RFA; past experience has shown that an active and engaged community partnership, involving all stakeholders identified in an IP, is a key component in a successful TMDL Implementation project. However sometimes key partners can no longer work on a project due to various reasons (shift in work priorities, staff or organizational capacity, etc.). This does not mean that the remaining identified partners cannot have a successful project. Part of the project's goals could be to reengage partners or reestablish partnerships. The most important factor is that the organization applying for funding and any partners identified in the application have the capacity, together, to successfully implement the proposed work. This includes managing and administering the grant contract, etc. Organizations need to develop partnerships on their own, DEQ will help facilitate and work with organizations who want to partner together.

The RFA describes the minimum partnerships that would be needed in order to be successful:

- **Residential Septic**: All proposals must demonstrate a clearly defined partnership with local/county health department(s) in the project area if residential septic system activities are included in the project scope.
- **Urban/Suburban Stormwater**: If urban stormwater management activities are included in an application, the proposal must demonstrate an effective partnership with local government staff and appropriate stormwater professionals. Please note 319(h) does not fund NPDES permitted related activities or BMPs installed pursuant to permit obligations.
- **Agriculture**: The local soil and water conservation district(s) must be included as a key partner (technical service provider) in any proposal including agricultural BMP implementation. Funding for agricultural BMPs cost share may only be administered to program participants by SWCDs.

If one of the organizations identified above cannot participate and the applicant still wishes to pursue work in one of the three identified areas; the application should include information justifying how the project will proceed without the identified key stakeholder involved. DEQ cannot guarantee that it will approve projects for BMP funding for one of the three identified areas if one of the corresponding identified key partner is not involved in the project.



Questions from 10/28/2014 Q&A Webinar

Q12 - Are NGO's eligible to be sub-awardees of these grant funds? I.e. can a District contract with a group for specific deliverables associated with the grant?

A12 – Yes, NGOs are eligible to be sub-awardees. The applicant must follow their own procurement procedures when dealing with sub-grantees.

Q13 – Is the IP for Gwynns Island, Milford Haven and Piankatank River on your website still a draft? Is this the approved plan? [or] What if my organization has questions about the posted approved plans?

A13 – This IP has been approved. The approved version is the exact same as the draft version currently on the website. This will be updated. Any questions about the Implementation Plans on Table 1, requests for copies of technical reports if they are not listed, can be sent to Charlie Lunsford, Charlie.lunsford@deq.virginia.gov.

Q14 – What is the turnaround time for reimbursement?

A14 – With the 30 day Prompt Pay Act, you can expect to be reimbursed within 30 days of submitting a progress report and invoice; if the grant report is due on the 15th, 30 days from that. These grants will be managed with a standard 3 month quarterly report due the 15th day following the end of the calendar quarter. For example, if you had an expenditure on October 4th, and submitted your quarterly report for October thru December on January 15th when it is due, you can expect to be reimbursed by February 15th. This means it could be up to 4 months before you see a payment from DEQ. DEQ does allow some alternative reimbursement schedules that can be requested and which are allowed on a case-by-case basis. One of the most frequently used are interim reimbursement requests, which are requests for a less than 3 month period that are submitted between quarterly report periods (e.g. October 2014 interim report could be submitted for the BMP expenses incurred in October, and this could be submitted by November 15, and would be paid by December 15. These alternatives are available but only for extenuating circumstances only.

Q15 – As a SWCD we have very limited funding available up front. If we do not have advanced funding, how do you recommend paying for services? Is it likely we would be able to do the project out of pocket and wait for reimbursement?

A15 – The grant funds distributed by this RFA are made on a reimbursement basis. Meaning that expenditures occur and are paid by the grantee and then a request to DEQ for reimbursed would be made. Grantees should expect to have the cash flow to pay for project expenses in three month increments. If the grant project will include non-BMP costs (technical assistance) including staff personnel, fringe, travel expenses, supplies, etc. the grantee should be able to pay for these expenditures and be able to wait 2-3 months for reimbursement. Since these are 2-year grant agreements, estimate quarterly expenses by dividing expenditures by 8 (for 8 quarters).

For the BMP expenditures, which may involve over \$100,000, it may be more difficult for organizations to pay the expenditures upfront and then wait 2-3 months for reimbursement, especially during quarters when BMP expenditures are \$40-50,000 or more. Since the TMDL Implementation program has been administered since 2001, some grantees, including Soil and Water Conservation Districts (SWCDs)



have managed to administer the program without receiving funds upfront. This is managed due to the fact that the organization had other funds they could use to pay out the BMP costs. However some grantees do experience difficulty and needed special accommodations to address cash flow issues. Project size and scope matters when it comes to affording the work upfront, DEQ understands that it may be very unrealistic for an organization to spend \$50,000 in a quarter and wait 2-3 months for reimbursement. Currently DEQ has several tools in place that are options, this includes interim reimbursement for BMPs; instead of submitting reimbursement requests for 3 months, it could be done on shorter period, e.g. 1 month. In the past the TMDL Program had been allowed to provide an advance for BMP costs, distributed on a case-by-case basis. Currently this option is being reviewed by DEQ due to federal financial management guidelines. It is possible that advances for BMP costs may be available, but at the time of this RFA no guarantees can be provided that advances will be available.

Q16 - Are the IP technical reports on the DEQ website or just the IP public reports?

A16 – If the IP was developed by DCR (noted by a DCR logo within the IP) they are public reports. There is a technical report that goes with the DCR public reports but they are not on the website. If you want a copy of a DCR prepared plans' technical report, contact Charlie. If the IP has a DEQ logo, it will be a technical report. Technical reports provide more detail and data and thus they can be about 100 pages long. DCR took a two step approach in IP development; with a public report and technical report for each IP. Any questions about the Implementation Plans on Table 1, requests for copies of technical reports if they are not listed, can be sent to Charlie Lunsford, Charlie.lunsford@deq.virginia.gov.

Q17 - Out of the \$1.5 million available, would that amount be split between all of the accepted applications? Also, can you apply for only part of a Watershed Plan or TMDL? Or do you have to apply to implement the entire plan?

A17 – The \$1.5 million would be split between awardees based on what the funding amount they requested for their projects (and what is awarded, if less than requested); different award amounts can be expected. There is no restriction on the maximum amount that can be requested for a project. Requests should be realistic to what can be accomplished within 2 years. Based upon programmatic experience DEQ's TMDL Implementation group is familiar with what a project can expend in a two year time period. Applications will usually only address a portion of a watershed plan, either for timing (2 years of a 10 year plan), geographically (2 of 10 sub-watersheds) or by source sector (only addressing residential septic). Projects should be able to be completed in a two year time frame.

Q18 – Some Chesapeake Bay (CB) localities do not have pump out requirements county wide (as related to the Chesapeake Bay Preservation Act), so, much of a TMDL IP watershed could fall outside of the required pump out area. Should residential septic pump outs outside the CB mandatory areas in a county be considered separately, as they are not in the required pump out areas? Would a county in this situation have their application graded as requiring all pump outs, when in fact they only require the areas they have identified, which the CB Act allowed them to do.

A18 – Residential septic pump outs (RB-1) are an eligible BMP if they are listed in at TMDL Implementation Plan regardless of whether a project area is within the CBPA are or not in the Bay area. The justification used for inclusion of RB-1 in the application should be to meet IP goals, not to meet CBPA requirements. According to the RFA, Section E - Septic Tank pump-outs exclusively used to meet Chesapeake Bay Act requirements is in eligible (meaning the RB-1 is NOT included in the TMDL IP). In



addition according to Section F of RFA - Funding for residential septic pump-outs will be used to identify homes requiring repairs and replacements. Septic pump-out cost-share will be capped at 10% of the residential septic cost-share funding requested in this application. For example: if the applicant requested \$100,000 in residential cost share, then \$10,000 would be available for pump-outs (equivalent to 67 pump-outs). This 10% restriction applies throughout VA, regardless if it is within the CBPA area or not.

Q19 – Related to the pump out restrictions, is the RFA saying that no pump outs will be funded if a county is not in a Chesapeake Bay Preservation Act (CBPA) are even though they are not in the CB Watershed. Please clarify.

A19 – Please see the answer to Q18. In addition: NO that is not what the RFA is implying. Residential septic pump outs (RB-1) are an eligible BMP if they are listed in at TMDL Implementation Plan. Most IPs have septic pumpouts included in them. If your local IP has them then you are eligible to receive funds. That is the justification that should be used to include RB-1 in the applications. 319 funds are not available to meet CBPA pump out requirements so that is not an appropriate justification for including RB-1 practices.

Q20- RFA states monitoring “should” be included as part of project. If monitoring is not included, will that affect potential approval? (It’s not included in the list of points for targeting)

A20 – Including monitoring helps meet the definition of a holistic project. Some organizations don’t have a water quality partner and have not been involved in that and therefore are hesitant to begin. If the IP has a watershed where DEQ does not do much monitoring, citizen monitoring can be helpful. The biggest thing is, will monitoring enhance the project? Just don’t want to monitor for monitoring sake. What is it that you are monitoring? Funding for monitoring will only be provided for parameters in the IP and for the source sector being worked on. Monitoring can be used to identify hot spots or priority areas as to where to target implementation in watershed areas. We will not fund monitoring that is used to identify particular operations or residences as pollution sources.

Projects that do not include monitoring elements will not be reviewed differently than those that do. However inclusion of monitoring activities may be used as an indicator to assess an applications ability to address the following Evaluation Criteria listed in the RFA:

- 1) Directly addresses goals and milestones of a completed TMDL IP that has been submitted and/or approved by EPA.
- 2) Have a high likelihood of positively impacting water quality.
- 3) The Applicant has provided appropriate level of information how these requirements will achieve certain phase or time frame milestones.
- 4) The proposed efforts align with the achievement of one or more BMP implementation and water quality milestones described in the associated TMDL Implementation Plan.

Q21 - A portion of one of our proposed watersheds is in another Soil and Water Conservation District (SWCD). Can we use funds in the adjoining District if that District has a high priority project that we do not know about at the time of proposal submittal?



A21 – If a TMDL IP covers multiple jurisdictions it's perfectly acceptable to have multiple districts partnering on an IP project. Two districts can work jointly and lead the implementation in their respective jurisdictional area. There does need to be a communication between the two districts up front before applying. It often works if one District is designated as a "lead". If we get two proposals for the same IP that shows that partnership was not addressed from the beginning the likeliness of the project not succeeding is higher than if there was partnering up front, and a single application submitted.

DEQ suggests that priorities sub-watershed area selection should be discussed between all partners, all Districts ahead of submitting an application. The sub-watersheds should be based upon what was included in the TMDL IP. DEQ understands that often this prioritization may change and shift during project implementation due to landowner involvement. DEQ doesn't eliminate the possibility that the eligible priority areas addressed by the approved project couldn't be adjusted during project implementation. More often than not, focusing in 2-3 priority areas may help to determine the interest in getting funding from subsequent RFA to address implementation in other priority areas.

Q22 - We are interested in funding for a variation of a BMP that is included in the Ag BMP cost-share manual. The Ag BMP manual does not deal with the recreational horse owner since they are not considered as Ag by definition. Our BMP would be a variation of that in the manual for purpose of getting it out to the recreational horse owner. How closely does the BMP need to be tied to manual's standards and spec? Is there room for variation?

A22 – TMDL Implementation Plans deal with recreational horse owners as if they are Ag to address problems from horses. In [DEQ's TMDL BMP Guidelines](#), look at practices with 'T' after the specification number, noting practice name (e.g. SL-6T versus SL-6), they have additional specifications that are not in the DCR Virginia Agricultural Cost-share Manual, and many don't require the operation to be production agriculture. If there is interest in other BMPs that wouldn't be covered by the 'T' practices, and they are listed as "demonstration" practices in the TMDL IP implementation table, please contact Charlie Lunsford for instructions or more information (Charlie.lunsford@deq.virginia.gov).

Q23- Where does one get a copy of the federal terms and conditions

A23 – Terms and Conditions can be found in the [resources document](#). In addition specific terms and conditions can be found in the following documents/links:

- [DEQ's Federal Terms and Conditions](#)
- [Section 319 Special Terms and Conditions](#)
- [Uniform Administrative Requirements, Cost Principles and Audit Requirement for Federal Awards \(EPA\)](#)

Q24 - Please explain "indirect" funds

A-24 – Indirect costs are agency-wide, general management costs (i.e., activities for the direction and control of the agency as a whole). General management costs consist of administrative activities necessary for the general operation of the agency, such as accounting, budgeting, payroll preparation, personnel services, purchasing, and centralized data processing.



Conversely, direct costs are costs that provide measurable, direct benefits to particular programs. For LEAs, these can include costs that relate directly to instructional programs and also support costs that relate to the peripheral services necessary to maintain the instructional programs. In general terms, an indirect cost rate is the percentage of an organization's indirect costs to its direct costs and is a standardized method of charging individual programs for their share of indirect costs.

Indirect funds will ONLY be allowed to be requested by the applicant if that applicant has a federally approved (and negotiated) indirect cost rate agreement and can provide a copy of that agreement. Indirect costs are capped for this RFA to 10% of the direct grant funds requested. However the applicant should apply and request indirect costs based upon the manner in which their rate was negotiated. Organizations which have an approved rate of 28.5% of personnel costs would only apply their indirect cost rate to the personnel costs in their application up to the 10% threshold of the entire direct costs of the application.

Q25- Do proposals have to include water quality monitoring?

A25 – No, proposals do not have to include water quality monitoring activities.

Q26 - In the Guidance Document, p 16 with regard to Onsite (Septic) systems: I.D. states "Practices requiring permits are generally not eligible for cost share" and discharging systems under a DEQ permit are noted as an example. All construction projects for onsite wastewater treatment systems require a construction and operation permit from VDH. Will this effectively eliminate any construction activities from applying OR is the interpretation only if a DEQ permit is needed then a project is not eligible?

A26 – No, construction activities related to onsite waste water practices (RB-2, RB-3, RB-4, RB-4P and RB-5) which require VDH permits are eligible for 319 funding. All residential septic systems have an exception to the permit issue (related to VDH permits) except discharging alternative waste treatment systems which are not eligible for 319 funding or to be used as match. Discharging systems require a NPDES permit from DEQ and thus is classified as a point source, which is ineligible for section 319 funds.

Q27 - Can you provide some examples of projects that a regulated MS4 locality COULD apply for? It appears that everything is excluded if it falls under the umbrella of MS4 or TMDL Action Plans

A27 – Information on the restrictions related to MS4 and Action Plans can be found in the answer to Question #1 of this FAQ.

Waste load allocations (WLA's) are permitted loads and activities intended to be credited to meet these permitted loads are not eligible for 319 funding. MS4 Waste Load Allocations (WLAs) in TMDLs are based on the Census urban layer. Within the Census urban layer there can be land sources contributing stormwater runoff that does not drain to the MS4 storm sewer system, instead the runoff enters a private collection system or drains to a stream. This is considered Load Allocation (LA), which is what most of the TMDL IPs are addressing. A MS4 locality that has a TMDL IP could apply for funding to address projects on land area that applies to the for-mentioned conditions as long as the specific activities are identified in the implementation tables for the TMDL IP for Phase 1 milestone (or the first 5 years). In addition, it is possible a locality can request funding for educational program activities as long as those activities are listed in the TMDL IP.



Please note that any activity proposed by an MS4 jurisdiction cannot be credited towards meeting any permitted load reductions, NPDES/VPDES activity.

Q28- Can this Tips and Resources slide be distributed by email?

A28 – The PowerPoint presentation utilized during the October 28 webinar will be posted along with the Frequently Asked Questions along with the RFA. Please refer to the website that is located in the footer of this document ([NPS funding page](#)).

Q29 - How detailed does the "vicinity map" need to be? Can it just be an image copied from the IP?

A29 – Use your best judgment. If you're going to be targeting your area we need a map with enough specificity to be able to tell where the work will be done. There have been issues in the past with names of sub-watersheds or river tributaries related to differences in the names from local knowledge and what is known on a statewide basis.

Q30- If the maps in the IP are not detailed enough, where can we find better maps for implementation planning?

A30 – [VEGIS](#), located on the DEQ home page is a good resource that may help you create an implementation map. Only TMDL watersheds boundaries are located on public viewer (not TMDL IPs). It is not likely we can get IP boundaries uploaded in time for the application date. There is a drawing tool you can use to identify the area in the watershed if your IP map is not sufficient, can export as PDF.

Q31 - When submitting previous accomplishments in a proposed project area, can we start counting those with the date the report was finalized or must we use the EPA approval date. Sometimes the latter is much later which a detriment is. It seems appropriate to begin counting accomplishments with the date of approval of TMDL report itself?

A31 - Yes, use the date the report was finalized, not the EPA approval date.

Q32 - Will there be another opportunity for funding for IP's that have previously/currently been funded?

A32 –No there will not be and RFA this year for previously funded projects. Projects that currently are being funded are going through a different review process to assess applicability to continue funding for those projects, a public RFA for those projects is not needed. There are no plans to open up future funding to closed projects (or projects that had TMDL Implementation funding from 319 and those projects have subsequently been closed). We won't reopen an IP for 319 funding eligibility if we have already gone through the closeout process with EPA.

Q33 - Do we need letters of support for the pre-application?

A33 – No letters of support are required for the pre-application. Start preparing them as they will be required in the full proposal.